

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In Re: BALDWIN, GARY W.
BALDWIN, JANET D.**

CASE NO: 11-14254

DEBTOR(S)

HENRY J. APPLEWHITE, TRUSTEE

MOVANT

VS

**BALDWIN, GARY W.
BALDWIN, JANET D.**

RESPONDENT(S)

**MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE, FOR AN
ACCOUNTING, FOR AMENDMENT OF SCHEDULES, AND OTHER RELIEF**

COMES NOW, Henry J. Applewhite, Trustee of the above styled and numbered bankruptcy proceeding, ("*Trustee*"), by and through counsel, and files this his Motion for Turnover of Property of the Estate, For an Accounting, For Amendment of Schedules, and Other Relief ("*Motion*"), and in support hereof, states as follows, to-wit:

1. Gary W. Baldwin and Janet D. Baldwin ("Debtor(s)") filed a Chapter 7 bankruptcy proceeding on September 16, 2011.

2. Upon filing of the bankruptcy, the Trustee was aware of the interest of one of the Debtor(s), Janet D. Baldwin, in the LeConte View Hotel which is listed on Schedule B, and the Trustee had been continuing the meetings of creditors to obtain information about this and possibly other assets.

3. In April, 2012, the attorney for the Debtor(s) advised the Trustee that he had just learned that Raymond A. Oakley, the father of Janet D. Baldwin, had died.

4. Upon further investigation, the Trustee understands that Janet D. Baldwin's father had died in December, 2011 which is within 180 days of the bankruptcy filing date.

5. The Debtor(s) previously advised the Trustee to contact Fred Oakley, who is the uncle of Janet D. Baldwin and who is the Executor of the Estate Raymond A. Oakley, Deceased, for information about both the pending estate in Tennessee and about the interest in the LeConte View Hotel which is located in Gatlinburg, Tennessee.

6. The Trustee has contacted Fred Oakley, the Executor, however, said Executor has not cooperated and has not furnished the Trustee any information.

7. As Fred Oakley was not cooperative, the Trustee has since contacted legal counsel in Knoxville, Tennessee to assist in the handling of these matters for the Trustee, and the Trustee will soon be filing an application with this Court seeking to employ special counsel to pursue the assets belonging to this bankruptcy estate.

8. After contacting counsel in Knoxville, Tennessee, the Trustee just recently learned about an Inventory filed in the subject estate of Fred A. Oakley in the Chancery Court/Probate Division for Knox County, Tennessee ("Tennessee Estate Inventory"), and a copy of same is attached hereto as Exhibit A.

9. Janet D. Baldwin, one of the Debtor(s), is shown as being entitled to receive substantial assets including insurance benefits.

REQUEST FOR TURNOVER OF PROPERTY OF THE ESTATE

10. Based on the foregoing, Janet D. Baldwin, one of the Debtor(s) should turnover to this estate any and all assets that she has received from her late father's estate.

11. Alternatively, in the event she has not yet received any assets, Janet D. Baldwin should advise the Trustee of the status of when and how said assets are to be paid and to allow the Trustee to receive said assets.

REQUEST FOR ACCOUNTING

12. Based on the foregoing, Janet D. Baldwin, one of the Debtor(s) should fully account to the Trustee for any assets including, but not limited to, those on the attached Tennessee Estate Inventory which she is entitled to receive or has received from her late father's estate including a description and location of any and all real property which may have been devised to her by her late father.

REQUEST FOR AMENDMENT OF SCHEDULES

13. Based on the foregoing, both of the Debtor(s) should be required to amend their bankruptcy schedules to fully list and disclose the property which Janet D. Baldwin has inherited or acquired from her late father and to completely disclose any information which either of the Debtor(s) may have as to the location of such assets, the value of same, and who is holding the assets.

WHEREFORE, PREMISES CONSIDERED, Trustee, by and through counsel, respectfully requests that Janet D. Baldwin turnover all property belonging to this estate to the Trustee, that the Debtor(s) provide an accounting to the Trustee as set forth above, and that the Debtor(s) should amend their bankruptcy schedules for all such assets, and Trustee prays for general relief.

Respectfully submitted on this the 8th day of April, 2013.

HENRY J. APPLEWHITE
TRUSTEE, BY AND THROUGH HIS ATTORNEY

/s/ Henry J. Applewhite

HENRY J. APPLEWHITE
Attorney at Law
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Aberdeen, Mississippi 39730
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MS Bar # 1609

CERTIFICATE OF MAILING

I, Henry J. Applewhite, do hereby certify that I have on this date filed the above and foregoing Motion for Turnover of Property of the Estate, For an Accounting, For Amendment of Schedules, and Other Relief with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Denvil F. Crowe
Court@denvilcrowe.com

Further, I hereby certify that I have on this date filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the Office of the United States Trustee at USTPRegion05.AB.ECF@usdoj.gov.

Further, I hereby certify that I have on this date placed in the United States Mail, postage prepaid, a true and correct copy of the above and foregoing to the following:

Mr. Dean B. Farmer
Attorney at Law
Hodges, Doughty & Carson, PLLC
P. O. Box 869
Knoxville TN 37901-0869

This the 8th day of April, 2013.


/s/ Henry J. Applewhite

HENRY J. APPLEWHITE